

**STROOCK****APPLICATION GRANTED  
SO ORDERED:****Vincent L. Briccetti, U.S.D.J.****Dated: 4/25/2022****White Plains, NY**

April 25, 2022

Ellen M. Murphy  
Direct Dial 212-806-5435  
emurphy@stroock.com*Sentencing adjourned to  
5/18/2022 at 3:15 p.m.***VIA ECF & EMAIL**Honorable Vincent L. Briccetti  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150*Defense submission due 5/4/2022.**Government submission  
due 5/11/2022. No replies.*Re: United States v. Joseph Cimino, 21-CR-00334 (VB)

Dear Judge Briccetti:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
ROC #:  
DATE FILED: 4/25/22

As you may recall, this firm represents Joseph Cimino in the above referenced matter. Mr. Cimino is currently scheduled to be sentenced by this Court on May 5, 2022. For the reasons explained below, Mr. Cimino and the Government jointly request a brief adjournment of Mr. Cimino's sentencing date.

On January 18, 2022, I made an application to adjourn Mr. Cimino's sentencing date so that I, as new counsel for Mr. Cimino, could get up to speed on the case and review the materials necessary to prepare for sentencing (ECF Dkt. No. 34). On January 19, 2022, I wrote a follow up letter to the Court seeking an Order from the Court delaying the release of the final Presentence Investigation Report so that Probation could consider any additional information Mr. Cimino might provide (ECF Dkt. No. 35). On January 19, 2022, Your Honor granted the application and scheduled Mr. Cimino's sentencing for May 5, 2022 (ECF Dkt. No. 36). In addition, Your Honor ordered Mr. Cimino's sentencing submission to be filed by April 21 and the Government's sentencing submission to be file by April 28 (*Id.*) Unfortunately, when I entered the relevant dates related to Mr. Cimino's sentencing in my calendar, I inadvertently calendared the sentencing submission dates based on Your Honor's Individual Rules rather than the dates reflected in the Court's Order (my calendar indicated Mr. Cimino's submission was due on April 25 and the Government's submission was due on May 2). Thus, my error has caused me to miss the submission date ordered by the Court. My apologies for my error.

Yesterday, the Government reached out to me regarding the sentencing date and indicated that AUSA Benjamin Gianforti is now likely to be on trial on May 5, 2022 and AUSA Daniel Loss has other court commitments scheduled for that day. They also brought my error related to the sentencing submission dates to my attention.

April 25, 2022  
Page 2

In light of my error and the schedules of the AUSAs assigned to this matter, I submit this letter on behalf of Mr. Cimino and the Government seeking a brief adjournment of Mr. Cimino's sentencing hearing and respectfully request new dates for the sentencing submissions for both Mr. Cimino and the Government. AUSAs Gianforti and Loss have informed me that the Government is available any time on May 26, 2022 for the sentencing. Otherwise, AUSA Gianforti has indicated that he is also available on May 18 after 12:00 pm or May 25 after 12:00 pm. I am available any of those dates if they are convenient for the Court.

Thank you for your consideration of this application. If the Court has any questions or concerns regarding this application, please feel free to contact me.

Respectfully submitted,

/s/ Ellen M. Murphy

Ellen M. Murphy

cc: AUSA Benjamin Gianforti (*via ECF and email*)  
AUSA Daniel Loss (*via ECF and email*)